PROB 12C
(04/08)

June 25, 2008

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: CSG DEPUTY

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Cecilia Lisbeth MUNOZ (English) **Dkt No.:** 08-CR-0116-001-JAH

Reg. No.: 06772-298

Name of Sentencing Judicial Officer: The Honorable John A. Houston, U.S. District Judge

Date of Sentence: April 7, 2008

Original Offense: 8 U.S.C. § 1324(a)(1)(A)(iv) and (v)(II), Aiding and Abetting Inducing and Encouraging Illegal Aliens to Enter the United States, a Class D felony.

Sentence: 4 months custody, 3 years supervised release. (*Special Conditions: See Attached Judgment and Commitment Order.)*

Type of Supervision: Supervised Release **Date Supervision Commenced:** April 18, 2008

Asst. U.S. Atty.: Carlos Cantu **Defense Counsel:** Lynn H. Ball (Appointed) 619-225-1914

Prior Violation History: None

PETITIONING THE COURT

TO ISSUE A NO-BAIL BENCH WARRANT

The probation officer believes that the offender has violated the following condition(s) of supervision:

CONDITION(S)	ALLEGATION(S) OF NONCOMPLIANCE
(Condition) Report to the probation office in the district to which the defendant is released within 72 hours of release from custody of the Bureau of Prisons. *(nv5)*	1. On April 18, 2008, Ms. Munoz failed to report to the United States Probation Office within 72 hours of her release, as directed, and her current whereabouts are unknown.

Grounds for Revocation: On April 18, 2008, Ms. Munoz was released from custody, and she has made no attempt to contact the probation office. On June 23, 2008, this officer contacted Ms. Munoz mother, who related that her daughter was in Mexico. Ms. Munoz' mother had no idea as to her daughter's whereabouts in Mexico, and had no contact information.

VIOLATION SENTENCING SUMMARY

SUPERVISION ADJUSTMENT

As Ms. Munoz failed to make herself available for supervision, there is no information available for this section of the report.

OFFENDER PERSONAL HISTORY/CHARACTERISTICS

Ms. Munoz was born on February 28, 1984, in Chula Vista, and related having a good relationship with her family during her upbringing. She has one sibling who makes his home in Tijuana. She is in a common-law relationship and has five children; however, due to her current legal issues her children are with relatives or with Child Protective Services.

As reflected in the Presentence Report, Ms. Munoz has a pending case in the San Diego Superior Court (South Bay), and the warrant remains active. She has a significant history of marijuana and methamphetamine use, which commenced at a very early age. Lastly, her work history is limited.

SENTENCING OPTIONS

CUSTODY

Statutory Provisions: Upon the finding of a violation, the court may modify the conditions of supervision; extend the term (if less than the maximum authorized term was previously imposed); or revoke the term of supervised release. 18 U.S.C. § 3583(e)(2) and (3).

If the court revokes supervised release, the maximum term of imprisonment upon revocation is 2 year(s). 18 U.S.C. § 3583(e)(3).

USSG Provisions: The allegation (failure to report within 72 hours of release) constitutes a Grade C violation. USSG § 7B1.1(a)(3), p.s.

Upon a finding of a Grade C violation, the court may (A) revoke supervised release; or (B) extend the term and/or modify the conditions of supervision. USSG § 7B1.3(a)(2), p.s.

A Grade C violation with a Criminal History Category I (determined at the time of sentencing) establishes an **imprisonment range of 3 to 9 months.** USSG § 7B1.4, p.s.

It is noted that in the case of a Grade C violation, and where the minimum term of imprisonment determined under USSG § 7B1.4, p.s., is at least one month but not more than six months, the minimum term may be satisfied by (A) a sentence of imprisonment; or (B) a sentence of imprisonment that includes a term of supervised release with a condition that substitutes community confinement... for any portion of the minimum term. USSG § 7B1.3(c)(1), p.s.

Since "the original sentence was the result of a downward departure ... an upward departure may be warranted" upon revocation. The court can depart from the available imprisonment range and impose a sentence of up to the statutory maximum of 24 months. USSG § 7B1.4, p.s., comment. (n.4), and 18 U.S.C. § 3583(e)(3).

REIMPOSITION OF SUPERVISED RELEASE

If supervised release is revoked and the offender is required to serve a term of imprisonment, the court can reimpose supervised release upon release from custody. The length of such a term shall not exceed the term of supervised release authorized by statute for the offense that resulted in the original term of supervised release, less any term of imprisonment imposed upon revocation. 18 U.S.C.§ 3583(h).

In this case, the court has the authority to reimpose a term of 3 year(s) supervised release, less any term of imprisonment imposed upon revocation. 18 U.S.C. § 3583(b).

RECOMMENDATION/JUSTIFICATION

Due to the fact that Ms. Munoz' current whereabouts are unknown, the undersigned respectfully requests a no-bail bench warrant. While the instant offense is the subject's first conviction, she had numerous apprehensions at the port of entry between 2001 and 2007. The Court ordered several special conditions at the time of sentencing, to assist Ms. Munoz to become a productive member of society. The departures and reduced sentence offered by the Court were aimed at helping her to enter into treatment in a more rapid manner. The fact that she never bothered to report once she completed her custody time shows this officer that she did not fully appreciate the generosity and concern of the Court.

If found in violation, the undersigned recommends that the supervised release of Ms. Munoz be revoked, and that she be sentenced to the high-end of the imprisonment range (9 months custody). The high-end of the imprisonment range will impress upon the mind of Ms. Munoz that she is to take the orders of the Court seriously.

Ms. Munoz is in need of further supervised release, and the undersigned recommends an additional term of 24 months. The special conditions ordered at the time of sentencing are still seen as appropriate, and are being requested. Those conditions will assist Ms. Munoz in transforming her life.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: June 25, 2008

Respectfully submitted:
KENNETH O. YOUNG
CHIEF PROBATION OFFICER

by
Scott L. Bawden
U. S. Probation Officer
619 409 5102

Reviewed and approved:

Robert J. Walford
Supervising U.S. Probation Officer

VIOLATION WORKSHEET

1. **Defendant:** MUNOZ, Cecilia Lisbeth

2. **Docket No.** (Year-Sequence-Defendant No.): 08-CR-0116-001-JAH

3. **List Each Violation and Determine the Applicable Grade** (*See* USSG § 7B1.1):

Violation(s)	Grade
failure to report within 72 hours of release	C

4. **Most Serious Grade of Violation** (*See* USSG § 7B1.1(b)) [C]

5. **Criminal History Category** (*See* USSG § 7B1.4(a)) [I]

6. **Range of Imprisonment** (*See* USSG § 7B1.4(a)) [3 - 9 months]

7. **Unsatisfied Conditions of Original Sentence**: None.

THE COURT ORDERS:

JAH A NO-BAIL BENCH WARRANT BE ISSUED BASED UPON A FINDING OF PROBABLE CAUSE TO BRING THE OFFENDER BEFORE THE COURT TO SHOW CAUSE WHY SUPERVISED RELEASE SHOULD NOT BE REVOKED FOR THE ALLEGED VIOLATIONS.

________ Other ____

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John A Houston (signature) 7-2-08

The Honorable John A. Houston Date
U.S. District Judge

xmg